IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SIXTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 3406 of 2004

Between:

1 Vejendla Muniratnam, S/o late Sivaramaiaha,aged 42 years, steno, O/o District Educational Officer, Guntur, Guntur District
2 M. Rama Devi, W/o V. Muniratnam, aged 40 years, Teacher, Z.P. High School, Jonnalagadda, Guntur, Guntur district

..... PETITIONERS

AND

1 Superintendent of Police, Guntur, Guntur District
2 Circle Inspector of Police, West Circle, Guntur, Guntur District
3 Sub-Inspector of Police, Nagarampalem Police Station, Guntur District
4 Sub-Inspector of Police, Pattabhipuram Police Station, Guntur Guntur District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus, or any other appropriate Writ, order or direction, declaring the highhanded action of the respondents 2,3 and 4 herein and their personnel in interfering with petitioners life and liberty and harassing the petitioners and the family members like continuously coming to their residence and their officers threatening them and terrorusing with their acts as illegal arbitrary unconstitutional and violative of principles of natural justice and for a consequential orders directing the respondents not to harass the petitioners 1 and 2 and their other family members by interfering in their life and liberty.

For the Petitioner:MR.G.V.L.N.MURTHY

For the Respondents : GP FOR HOME

The Court Made the Following :

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O R D E R :

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Complaining the harassment by the police and calling the petitioners to the police station as arbitrary and illegal, the petitioners filed the present writ petition stating that unable to bear the harassment by the respondents 3 and 4, the first petitioner was forced to go on leave from 04-02-2004 to 20-02-2004. During the said period also, one constable visited the first petitioner's house and asked her to appear before the Inspector of Police, West Circle, Guntur Town and the Sub-Inspector of Police, Nagarampalem Police Station, Guntur immediately. The petitioners cannot be harassed merely because a case in Crime No.4 of 2004 of Nagarampalem Police Station, Guntur was registered against the first petitioner's brother.

The Sub-Inspector of Police, Nagarampalem (Law and Order) Police Station, Guntur-third respondent filed counter-affidavit stating that the Superintendent, S.B. Hire, Government of India, Ministry of External Affairs, Passport Office, Secunderabad gave a letter to the Superintendent of Police, Guntur District against the first petitioner's brother Vejendla Venu Gopal Rao stating that he is not involved in any criminal cases and there is nothing adverse against him, though Crime No. 284 of 1999 under Sections 467, 468, 471, 109 read with 120-B of I.P.C. r/w sec. 156 (3) of Cr.P.C. is pending at Pattabhipuram (L & O) Police Station since 22-10-1999 and he obtained pass-port concealing the above facts. The Superintendent of Police endorsed the said petition to the Station House Officer, Pattabhipuram (L & O) Police Station, Guntur for registration and investigation vide

C.No.239/SBPO/2003. The Pattabhipuram Police have registered a case in Crime No.160 of 2003 under Section 10(3)(b) and (e) of Passport Act, 1967 on 30-12-2003 and subsequently the same was transferred to Nagarampalem (L & O) Police Station on the point of jurisdiction. On receiving the same, the third respondent registered a case in Crime No.4 of 2004 under Section 10(3)(b) and (3) of Passport Act at Nagarampalem Police Station on 7-01-2004. During the course of investigation, as per the address given by the complainant, he visited the house of the first petitioner which was under lock and key and enquired with the neighbours and he came to know that the accused was the first petitioner's brother. In view of the same, he enquired with the first petitioner at his office on
10-1-2004 to know the whereabouts of his brother. Except that, they did not call the petitioners and all the allegations made in the affidavit by the petitioners are false and baseless and they have never interfered with the life and liberty of the petitioners nor deputed any constable to the house of the petitioners including calling the petitioners to the police station at any point of time.

Though counter-affidavit was received by the learned counsel for the petitioner on 11-3-2004,no reply affidavit has been filed controverting the statements made in the counter-affidavit.

Having regard to the categorical statements made in the counter-affidavit, the respondents-police shall not call the petitioners to the police station unless their presence is required during the course of investigation of the crime, that too after prior notice to them.

The Writ Petition is accordingly disposed of. No costs.

ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1 The Superintendent of Police, Guntur, Guntur District
2 The Circle Inspector of Police, West Circle, Guntur, Guntur District

3 The Sub-Inspector of Police, Nagarampalem Police Station, Guntur District
4 The Sub-Inspector of Police, Pattabhipuram Police Station, Guntur Guntur District

5 The Government Pleader for Home, High Court Buildings, A.P., Hyderabad.(OUT)

6 2 CD copies

ccm/prv